

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Joseph F. Butler
SSN: XXX-XX-0367

Case No. M-24-860-STE

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Joseph F. Butler; SSN: XXX-XX-0367, an inmate at Grady County Jail.

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is attached and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 2241(a)

Aggravated Sexual Abuse

Offense Description

The application is based on these facts:

See the attached Affidavit of BOP SIS Tech Cassie Davis, which is incorporated by reference herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Cassie Davis, SIS, BOP
Printed name and title

Sworn to before me and signed in my presence.

Date: Nov 22, 2024


Judge's signature

City and state: Oklahoma City, Oklahoma

SHON T. ERWIN, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Cassie Davis, a Special Investigative Service (“SIS”) Technician with the Federal Bureau of Prisons (“BOP”), being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. This affidavit is in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the collection of deoxyribonucleic acid (DNA) from the person of JOSEPH FRANCIS BUTLER via buccal swab as evidence of a violation of Title 18, United States Code, Section 2241, Aggravated Sexual Abuse.

2. The subject of this investigation, BUTLER, is presently in custody at the Grady County Jail, in the Western District of Oklahoma.

3. I have been employed as a Senior Officer Specialist for the BOP since December 9, 2018, and have been in my current role as a SIS Technician since September 10, 2023. I am currently assigned to the SIS Office at the Federal Transfer Center in Oklahoma City, Oklahoma. Since joining the SIS Office, I have conducted a variety of investigations, including Prison Rape Elimination Act investigations and allegations of sexual abuse.

4. As a SIS Technician, I am authorized to investigate violations of the laws of the United States that occur at the Federal Transfer Center, including violations of Title 18, United States Code, Section 2241, and to execute warrants issued under the authority of the United States.

5. Since this affidavit is being submitted for the limited purposes of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

BACKGROUND OF THE INVESTIGATION

6. The victim's name is known to your affiant and will be referred to as T.L.

A. Initial Report

7. On June 4, 2023, T.L. was incarcerated at the Federal Transfer Center in Oklahoma City, Oklahoma, in the Western District of Oklahoma. He was assigned to cell 610 in the 5F housing unit.

8. At approximately 12:20 PM, he approached Correctional Officer G. Womack as the officer walked onto the housing unit and stated, "I need help, I was just raped."

9. Officer Womack immediately removed T.L. from the housing unit. While in the corridor outside the unit, T.L. said "It happened like 20 minutes ago" and "It was a black dude with dreads and he had a shank."

10. T.L. was escorted to the Special Housing Unit where he was interviewed, photographed, and medically assessed.

B. Initial Medical Assessment

11. FTC Clinical Director Traci Carney (n/k/a Thomas), D.O. conducted the initial medical assessment of T.L. in the Special Housing Unit Exam Room at approximately 12:30 PM. T.L. told Dr. Thomas stated the perpetrator entered his cell with a "long, sharp metal object" and threatened him. Then, after placing a sheet over the door, the perpetrator forced T.L. to have oral and anal sex. Dr. Thomas noted that T.L. said he wiped himself afterward.

12. Dr. Thomas noted that the perpetrator warned T.L. not to leave the room and told him others were watching the door. The perpetrator also warned T.L. that he would kill him if he reported the rape. T.L. was eventually allowed to leave the cell, at which point he reported the rape to the unit officer.

13. Based on her evaluation, Dr. Thomas recommended T.L. be evaluated at a local ER by a Sexual Assault Nurse Examiner (“SANE”).

14. T.L. was interviewed by SIS Technician James Hanes. T.L. informed SIS Technician Hanes that the perpetrator was a black male who wore dreads with “red tips.” T.L. said that he had wiped his anus with a wad of toilet tissue that he then threw under the lower bunk in cell 610.

15. SIS Technician Hanes identified BUTLER from T.L.’s description and the housing unit’s surveillance video, which showed BUTLER going in and out of T.L.’s cell multiple times during the reported timeframe of the assault.

C. SANE Assessment & DNA Sample Collection

16. T.L. was evaluated by SANE Kathy Robinson RN of the YWCA Forensic Program on June 4, 2023, at approximately 5:00 PM.

17. Nurse Robinson documented that T.L. told her someone came into his cell, produced a weapon, threatened to kill him, and ordered him to drop his pants, and then anally raped him. Nurse Robinson documented that T.L. said the perpetrator had raped him both anally and orally several times. The assaults took place over the course of forty-five minutes. During this time, the perpetrator left and returned several times, raping T.L. each time he returned to the cell.

18. Nurse Robinson documented that T.L. was tearful as he described the assault.

19. Nurse Robinson documented that the perpetrator used a “long rod with 1/4 inch point at end” and held T.L. down by his back and hips.

20. Nurse Robinson documented that T.L. had injuries to his anus and scrotum/testicles. She noted redness, swelling, and “visual semen like liquid” on T.L.’s anus and bruising around T.L.’s anus. She also noted redness to T.L.’s scrotum/testicles.

21. Nurse Robinson collected buccal, anal, external genitalia, penile, and lower abdominal area swabs. These samples were sealed in the SANE Kit and returned with escorting officers to the Federal Transfer Center, where they were held in evidence to be sent to the lab.

D. Suspect BUTLER's Interview and Examination

22. While T.L. was being taken for the SANE evaluation, correctional officers at the Federal Transfer Center went to 5F Unit and escorted BUTLER to the Special Housing Unit. Once there, BUTLER was photographed and medically assessed.

23. Dr. Thomas performed the examination of BUTLER at approximately 1:45 PM. During his medical examination, BUTLER admitted to Dr. Thomas that he was in T.L.'s cell, saying that he and the victim were talking about where they were designated. He denied assaulting T.L., saying "He is lying to get to some place else." He also denied possessing any weapons and denied any injury.

E. Investigation of the Crime Scene & Additional DNA Evidence Collected

24. At approximately 3:30 PM, SIS Technician Hanes went to cell 610 in the 5F Unit, and photographed the cell in the position that it was found. SIS Technician Hanes identified, photographed, and secured several items, including a folded piece of toilet tissue with a brown reddish and white colored substance found on the floor under the bottom bunk.

25. SIS Technician Hanes sealed the wad of toilet paper into an evidence bag and placed it into the refrigerator in the Special Investigative Service's Evidence Room. After receiving the SANE kit, SIS Technician Hanes then took both it and the sealed evidence bag with the wad of toilet paper to the Oklahoma State Bureau of Investigations ("OSBI") Forensic Science Center for analysis.

D. Preliminary DNA Analysis Results

26. On March 1, 2024, the OSBI Forensic Science Center reported that it had recovered seminal fluid samples with a DNA profile from a male source other than that of T.L. Specifically, the potential sperm cell DNA was found on the wad of toilet paper, which when analyzed could be separated into a major component and a minor component. The DNA profile from the major component was identified as a single source male DNA profile that did not match the DNA profile of T.L.

27. The major component DNA profile found on wad of toilet tissue was assigned specimen number OK-CRL-23-8245-2A-S MAJ and submitted it for comparison to the Combined DNA Index System (CODIS) database.

28. On March 4, 2024, a “high stringency DNA match” was obtained between specimen number OK-CRL-23-8245-2A-S MAJ and an Illinois convicted offender, specimen number I08-014546. OSBI contacted the Illinois State Police DNA Indexing Laboratory, who verified that the match was BUTLER.

CONCLUSION

29. Based on the above information, there is probable cause to believe that BUTLER was involved in a violation of 18 U.S.C. § 2241 (Aggravated Sexual Abuse), and that the requested DNA sample constitutes evidence of that crime. Therefore, I respectfully request that a search warrant be issued authorizing the examination of the person described in Attachment A to seek the items described in Attachment B.



Cassie Davis
Senior Officer Specialist
Special Investigative Service Technician
FTC Oklahoma City
Federal Bureau of Prisons

Subscribed and sworn to before me this 22nd day of November, 2024.



SHON T. ERWIN
United States Magistrate Judge

ATTACHMENT "A"

Description of BUTLER

Name: Joseph F. Butler (photograph included below)

SSN: XXX-XX-0367

DOB: XX/XX/1990

Height: 5'8"

Eye Color: Blue

BOP Register No. 28040-510

Current Address: Grady County Jail, 215 N. 3rd St., Chickasha, Oklahoma 73018



ATTACHMENT "B"

Particular Things to be Seized

The following materials, which constitute evidence of the commission of a criminal offense, namely violations of Title 18, United States Code, Section 2241:

1. The deoxyribonucleic acid (DNA) of JOSEPH BUTLER III via buccal swabs.